

Instructions for 2009 Form 100-ES

Corporation Estimated Tax

References in these instructions are to the Internal Revenue Code (IRC) as of January 1, 2005, and to the California Revenue and Taxation Code (R&TC).

What's New

Estimated Tax Payments – For taxable years beginning on or after January 1, 2009, corporations are required to pay 30% of the estimated tax liability for the first and second required installments and 20% of the estimated tax liability for the third and fourth required installments. Prior to this law change, installment payments were made in 4 equal (25%) payments. **Exception:** If the corporations are **not** required to make the first installment payment, the corporations are required to make the subsequent installment payments as follows: 40% of the estimated tax liability for the second installment and 30% of the estimated tax liability for the third and fourth installments.

General Information

Use California Revenue and Taxation Code (R&TC) Section 19011, Sections 19021 through 19027, and Sections 19142 through 19161 to determine the estimated tax requirement for California.

Use Form 100-ES, Corporation Estimated Tax, for the calendar year ending December 31, 2009, or fiscal years ending in 2010. Fill in only one circle on Form 100-ES to indicate if the estimate payment is for Form 100, Form 100W, Form 100S, or Form 109.

If the entity does not owe any tax, **do not send this form with a zero balance.**

Definitions

Unless stated otherwise, the term “corporations,” as used in Form 100-ES and in these instructions, includes banks, financial corporations, certain associations, regulated investment companies, real estate investment trusts, exempt organizations with unrelated business taxable income, exempt homeowners’ associations with non-exempt function income, limited liability companies that have elected to be taxed as corporations for federal tax purposes, and S corporations.

R&TC Section 19023 defines tax, for purposes of California estimate payments, to include alternative minimum tax, S corporation taxes from Schedule D (100S) and from the excess net passive income, the Qualified Subchapter S Subsidiary (QSub) annual tax, credit recapture, and the minimum franchise tax. This definition of tax does not conform to the federal definition of tax. Also, taxable income for S corporations includes the R&TC Section 23802(e) deduction for passive investment income and built-in gains.

LIFO Recapture Tax – For taxable years beginning on or after January 1, 2006, California conformed to federal tax law in excluding the annual payments of the last in-first out (LIFO) recapture tax from the computation of estimated tax. Therefore, LIFO recapture amounts are not included in the computation of an estimated tax underpayment penalty.

Electronic Funds Transfer (EFT) – Corporations that remit an estimated tax payment or extension payment in excess of \$20,000 or that have a total tax liability in excess of \$80,000 must remit all of their payments through EFT. Once a corporation meets the threshold, all subsequent payments regardless of amount, tax type, or taxable year must be remitted electronically to avoid a 10% non-compliance EFT penalty. The Franchise Tax Board (FTB) notifies corporations that are subject to this requirement. Those that do not meet these requirements and wish

to participate on a voluntary basis may do so. For more information, go to our website at ftb.ca.gov and search for **eft**, call 916.845.4025, or get FTB Pub. 3817, Electronic Funds Transfer Program Information Guide.

If the corporation is required to remit all of their payments through EFT and pays by another method, a 10% non-compliance penalty will be assessed.

Private Mail Box – Include the Private Mail Box (PMB) in the address field. Write “PMB” first, then the box number. Example: 111 Main Street PMB 123.

A Who Must Pay Estimated Tax

One or more payments of estimated tax are required annually from each:

- Corporation incorporated or qualified under the laws of California or doing business in California, whether active, inactive, or having income from sources within California, unless otherwise provided by the Corporation Tax Law.
- Bank and national banking association doing business in California.
- Exempt organization or trust with unrelated business income.
- Exempt homeowners’ association with non-exempt function income.

An S corporation that is a parent of a QSub is required to pay the \$800 annual tax for each QSub that is:

- Incorporated in California.
- Qualified to do business in California.
- Doing business in California.

The QSub annual tax is due and payable when the S corporation’s first estimated tax payment is due. If the QSub is acquired during the taxable year, the QSub annual tax is due with the S corporation’s next estimated tax payment after the date of the QSub election. The QSub annual tax is subject to the estimated tax rules and penalties.

Enter in the space for QSub Tax Amount the total amount of QSub annual tax paid. Enter the estimated installment payment amount in the space for Estimated Tax Amount. Combine the two amounts and enter the total payment of both QSub annual tax and regular estimated tax in the space for Total Installment Amount.

Real estate mortgage investment conduits (REMICs) are not required to pay estimated tax. However, use this form to remit the minimum franchise tax due by the 15th day of the 4th month of the taxable year.

Financial asset securitization investment trusts (FASITs) are subject to the \$800 minimum tax. Get Form 100, California Corporation Tax Booklet, for more information.

B Where to Mail Estimated Tax

Make the check or money order payable to the “Franchise Tax Board.” Write the California corporation number and “2009 Form 100-ES” on the check or money order.

Enclose, but do **not** staple, the payment with this form and mail to:

FRANCHISE TAX BOARD
PO BOX 942857
SACRAMENTO CA 94257-0531

Make all checks or money orders payable in U.S. dollars and drawn against a U.S. financial institution.

C Installment Due Dates and Amounts

Newly Formed or Qualified Corporations. The estimated tax is payable in four installments. The installments are due and payable by the 15th day of the 4th, 6th, 9th, and 12th month of the taxable year. The amount of each installment is the applicable percentage of the total estimated tax due (estimated income multiplied by the appropriate tax rate). See the What’s New section for the applicable percentage. When the due date falls on a weekend or holiday, the deadline to file and pay without penalty is extended to the next business day.

Franchise Tax Filers. If the amount of the estimated tax exceeds the minimum franchise tax and the QSub annual tax (if applicable), then the estimated tax is payable in four installments. The installments are due and payable by the 15th day of the 4th, 6th, 9th, and 12th month of the taxable year. The amount of each installment is the applicable percentage of the total estimated tax due (estimated income multiplied by the appropriate tax rate). See the What’s New section for the applicable percentage. If the amount of estimated tax does **not** exceed the minimum franchise tax plus the QSub annual tax, then the entire amount of the minimum tax and the QSub annual tax is due as an estimate on or before the 15th day of the 4th month of the corporation’s taxable year. If an S corporation acquires a QSub during the taxable year, but after the due date of the first estimate installment, the QSub annual tax is due with the next required installment after the acquisition of the QSub. When the due date falls on a weekend or holiday, the deadline to file and pay without penalty is extended to the next business day.

Income Tax Filers. The amount of the estimated tax is payable in four installments. The installments are due and payable by the 15th day of the 4th, 6th, 9th, and 12th month of the taxable year. When the due date falls on a weekend or holiday, the deadline to file and pay without penalty is extended to the next business day.

Short-period filers: A corporation with an accounting period of less than 12 months (short period) must pay estimated tax in the number of installments shown in the table on page 4.

Tax Rates

To compute estimated tax installments, multiply the estimated net income for tax purposes by the applicable rate:

- Corporations, use 8.84%.
- S corporations, use 1.5%.
- Banks and financial corporations, use 10.84%.
- Financial S corporations, use 3.5%.
- Exempt trusts, use personal income tax rate Schedule X (single) inside California 540 & 540A Personal Income Tax Booklet.

Overpayments From Prior Year Returns

The overpayment from a prior year return is credited as of the first estimate installment due date or the date of payment, whichever is later.

For more information, refer to federal Rev. Rul. 99-40, IRC Section 6513(b) (1) and (2), and the IRS Internal Revenue Manual 20.2.4.3 (03-01-2002).

Corporations may pay any estimated tax installment before the due date.

D Underpayment or Late Payment

Generally, an underpayment of estimated tax is the difference between (1) the amount that would be due for each installment of estimated tax if the estimated tax was equal to 100% of the tax shown on the return, prorated to each installment, and (2) the amount actually paid or credited on or before the due date of that installment.

Underpayment or late payment of estimated tax installments will result in an estimate penalty calculated from the due date of each installment until paid, or until the original due date of the tax return, whichever is earlier. See General Information F, Exceptions to the Estimate Penalty, and use form FTB 5806, Underpayment of Estimated Tax by Corporations, to determine if an exception to a penalty exists and to figure the penalty.

California does not conform to federal law regarding the application of the underpayment penalty. For federal purposes, the application of the penalty is based on the lesser of prior year or current year tax; while for California purposes, the application of the penalty is based on current year tax only.

E Minimum Franchise Tax

To avoid the imposition of an estimate penalty, a corporation subject to franchise tax must pay at least the minimum franchise tax shown below, whether the corporation is active, inactive, operates at a loss, or files a tax return for a short period.

- Corporations subject to franchise tax \$800
- Qualified inactive gold or quicksilver mining corporations \$25

A combined group filing a single tax return must pay at least the minimum franchise tax for **each** corporation in the group that is subject to franchise tax.

Newly Formed or Qualified Corporations

For the first taxable year, calculate the estimate installments based on annualized current year income to avoid an estimate penalty.

There is no minimum franchise tax for:

- Corporations that are subject only to income tax if they are not "doing business" in California, and are not incorporated or qualified under the laws of California, but derive income from sources within California. Get FTB Pub. 1050, Application and Interpretation of Public Law 86-272; FTB Pub. 1060, Guide for Corporations Starting Business in California; or FTB Pub. 1063, California Corporation Tax Law – A Guide for Corporations, for more information regarding "doing business."
- Credit unions.
- Exempt organizations.
- Corporations that are not incorporated under the laws of California and whose sole activities in California are engaging in convention and trade show activities for seven or fewer days during a taxable year and that do not derive more than \$10,000 of gross income reportable to California during a taxable year. Get FTB Pub. 1060 for more information.

F Exceptions to the Estimate Penalty

If the estimated tax paid is equal to or greater than the amount defined in General Information D, Underpayment or Late Payment, the FTB will not assess an estimate penalty. If an underpayment exists, the FTB will not assess the estimate penalty if the corporation meets any one of the following exceptions.

The following exceptions do not apply if the estimated tax installments due are not paid on or before the installment due date.

Worksheet I — Exception A – Prior year's tax

This exception applies if the amount paid or credited on or before the installment due date equals or exceeds the tax shown on the preceding year's return for a 12-month period, prorated to each installment.

Newly formed or qualified corporations

Since the minimum franchise tax is no longer prepaid to the California Secretary of State, the prior year's tax exception does not apply for the first taxable year. For the second taxable year, the prior year tax exception does not apply if no tax liability existed in the first taxable year, or the business operated for less than twelve full months.

If the corporation uses the annualized current year income method or the annualized seasonal income method, see Worksheets II, III, and IV.

Line 1 – Taxable income

Enter the amount of taxable income expected for the current taxable year.

Line 7 – Other taxes

R&TC Section 19023 defines tax, for purposes of California estimate payments, to include alternative minimum tax, S corporation taxes from Schedule D (100S) and from the excess net passive income, the QSub annual tax, credit recapture, and the minimum franchise tax. Enter applicable amounts for each payment period.

Line 11 – A large corporation is any corporation, including a predecessor corporation, that had California net income (computed without regard to the net operating loss deduction) of \$1 million or more for any taxable year during the three taxable years immediately preceding the current taxable year.

Large corporations may use this exception for only the first estimated tax installment and must add any reduction in the first estimated tax installment to the second installment.

If the annualized current year income method or annualized seasonal income method is not used for the third or fourth installment, follow the instructions below to figure the amounts to enter on line 11 of Worksheet I.

- If line 8 is smaller than line 9, multiply line 8 (total tax) by the applicable percentage (30%, 60%, 80%, or 100%) shown for each quarter at the top of column (1) through column (4). Enter the result for each quarter on line 11.
- If line 9 is smaller than line 8, determine the amount to enter as follows:
 - (a) Enter 30% of line 9 in column (1) of line 11.
 - (b) Enter 60% of line 8 in column (2) of line 11.
 - (c) Enter 80% of line 8 in column (3) of line 11.
 - (d) Enter 100% of line 8 in column (4) of line 11.

Line 12 – Total payment

Enter the total payments of estimated tax for the taxable year up to the due date of the installment. Include any overpayments from 2008 tax that were credited to 2009 estimated tax.

Worksheet II — Exception B – Annualized current year income

This exception applies if the estimated tax paid on or before the installment due date equals or exceeds 100% of the amount the corporation would owe if its estimated tax was computed on annualized current net income for tax purposes for the months preceding the installment due date.

Line 1 – Annualization periods

Enter the number of months that the corporation is using in the annualization period based on the options listed in the table below. For example, if the

corporation elects Option 1, enter the annualization periods 2, 4, 7, and 10 in column (1) through column (4).

Annualization Periods

Installment	1st	2nd	3rd	4th
Standard Option	3	3	6	9
Option 1	2	4	7	10
Option 2	3	5	8	11

Corporations may use the Standard Option or must make an election to use Option 1 or Option 2. Exempt organizations may use Option 1 (the standard option for exempt organizations) or must make an election to use Option 2. The election must be made on or before the due date of the first required installment payment. The corporation must make a timely election to use an expanded option even if it uses another method, such as Exception A, for its first installment. To make a California election, file federal Form 8842, Election To Use Different Annualization Periods for Corporate Estimated Tax, **OR** if a timely election was made for federal purposes by filing the federal Form 8842, and the corporation is using the same option for state purposes, attach a copy of the federal form to the corporation's tax return when filed. Once made, an election is irrevocable for the taxable year. The corporation should file federal Form 8842 with its first installment payment. If the corporation must pay its tax liability using EFT, file federal Form 8842 on or before the due date of the first installment payment by mailing to:

FRANCHISE TAX BOARD
PO BOX 942857
SACRAMENTO CA 94257-0531

Line 3 – Annualization amounts

Enter the annualization amounts from the table below for the elected option. For example, if the corporation elects Option 1, enter on line 3 the annualization amounts 6, 3, 1.71429, and 1.2, in column (1) through column (4), respectively.

Annualization Amounts

Installment	1st	2nd	3rd	4th
Standard Option	4	4	2	1.33333
Option 1	6	3	1.71429	1.2
Option 2	4	2.4	1.5	1.09091

Line 8 – Other taxes

R&TC Section 19023 defines tax, for purposes of California estimate payments, to include alternative minimum tax, S corporation taxes from Schedule D (100S) and from the excess net passive income, the QSub annual tax, credit recapture, and the minimum franchise tax. Enter applicable amounts for each payment period.

Line 12 – Total payment

Enter the total payments of estimated tax for the taxable year up to the due date of the installment. Include any overpayments from 2008 tax that were credited to 2009 estimated tax.

Worksheet III — Exception C – Annualized seasonal income

This exception applies if the estimated tax paid on or before the installment due date equals or exceeds 100% of the amount the corporation would owe if its estimated tax was computed on annualized seasonal net income for tax purposes for the months preceding the installment due date. Use Exception C only if the corporation's base period percentage for any six consecutive months of the taxable year equals or exceeds 70%. Refer to the federal instructions for Form 1120-W, Part I, Adjusted Seasonal Installment Method, for an explanation on how to compute the base period percentage.

(Continued on Page 4)

Computation of Estimated Tax

Worksheet I Exception A — Prior Year's Tax

1	Taxable income expected during this taxable year	1	
2	R&TC Section 23802(e) deduction, S corporations only	2	
3	Net income. Subtract line 2 from line 1	3	
4	Tax. Multiply line 3 by the current tax rate. See General Information C	4	
5	Tax credits	5	
6	Subtract line 5 from line 4. (Not less than minimum tax and QSub annual tax(es), if applicable.)	6	
7	Other taxes. See instructions	7	
8	Total tax. Add line 6 and line 7	8	
9	Enter the tax shown on the corporation's 2008 tax return	9	
10	Enter the smaller of line 8 or line 9	10	

	(1) 30%	(2) 60%	(3) 80%	(4) 100%
11	(not less than min.)			
12				
13				

Large corporations: To meet the exception by paying prior year's tax for the first estimate installment and paying the reduction in the first estimate installment with the second estimate installment, the corporation must have paid the amounts in line 11, column (1) and column (2).

Worksheet II Exception B — Annualized Current Year Income

	(1)	(2)	(3)	(4)
1				
2				
3				
4				
5				
6				
7				
8				
9				
10	30%	60%	80%	100%
11				
12				
13				

Worksheet III Exception C — Annualized Seasonal Income

	(1)	(2)	(3)	(4)
(Use this method only if the base period percentage for any six consecutive months is at least 70%. See instructions.)	First 3 months	First 5 months	First 8 months	First 11 months
14				
15				
16				
17				
18				

Worksheet III Exception C — Annualized Seasonal Income (continued)	(1)	(2)	(3)	(4)
19 Divide the amount in each column on line 14c by the amount in column (4) on line 16c				
20 Add line 17 through line 19				
21 Divide line 20 by 3				
22 a Divide line 15 by line 21				
b R&TC Section 23802(e) deduction, S corporations only				
c Net income. Subtract line 22b from line 22a.				
23 Tax. Multiply line 22c by the current tax rate				
24 Divide the amount in column (1) through column (3) on line 16a by the amount in column (4) on line 16a				
25 Divide the amount in column (1) through column (3) on line 16b by the amount in column (4) on line 16b				
26 Divide the amount in column (1) through column (3) on line 16c by the amount in column (4) on line 16c				
27 Add line 24 through line 26				
28 Divide line 27 by 3				
29 Multiply the amount in column (1) through column (3) of line 23 by the amount in the corresponding column of line 28. In column (4), enter the amount from line 23, column (4)				
30 Tax credit for each payment period.				
31 Subtract line 30 from line 29. (Not less than minimum tax and QSub annual tax(es), if applicable.)				
32 Other taxes. See instructions				
33 Total tax. Add line 31 and line 32				
34 Total payments. See instructions				
35 Adjusted seasonal installments. Subtract line 34 from line 33. If zero or less, enter -0-				
Worksheet IV — Required Installments	(1)	(2)	(3)	(4)
36 If only Worksheet II, Exception B or Worksheet III, Exception C are completed enter the amount in each column from line 13 or line 35. If both Worksheet II and Worksheet III are completed, enter the smaller of the amounts in each column from line 13 or line 35				
37 Enter the amount from Worksheet I, line 13.				
38 Required installments. Enter the smaller of line 36 or line 37 here and on the appropriate form for each installment payment				

Accounting Period Less Than 12 Months (Short Period) — Fiscal year corporations, adjust dates accordingly.

If taxable year (calendar year) begins:	Number of Installments Due	Percentage of Estimated Tax Due On or Before*			
		April 15	June 15	September 15	December 15
January 1 through January 16	4	30%	60%	80%	100%
January 17 through March 16	3		40%	70%	100%
March 17 through June 15	2			50%	100%
June 16 through September 15	1				100%
September 16 through December 31	None				

*When the due date falls on a weekend or holiday, the deadline to file and pay without penalty is extended to the next business day.

(Continued from Page 2)

Line 32 — Other taxes

R&TC Section 19023 defines tax, for purposes of California estimate payments, to include alternative minimum tax, S corporation taxes from Schedule D (100S) and from the excess net passive income, the QSub annual tax, credit recapture, and the minimum franchise tax. Enter applicable amounts for each payment period.

Line 34 — Total payments

Enter the total payments of estimated tax for the taxable year up to the due date of the installment. Include any overpayments from 2008 tax that were credited to 2009 estimated tax.

G Revised Estimates

Corporations may revise the estimated tax any time during the taxable year. If the corporation revises

the estimated tax, compute the amount of each remaining installment (if any) by doing the following:

- Subtracting from the revised estimated tax, the total estimated tax previously paid.
- Dividing the result by the number of installments remaining as of the date the revision is made.